

MD Code, Family Law, T. 5, Subt. 5, Pt. III, Refs & Annos

MD Code, Family Law, § 5-524

§ 5-524. Provision of child welfare services

The Administration shall provide child welfare services to a child and the child's parent or guardian:

- (1) to assist in preventing the necessity of placing the child outside of the child's home;
- (2) to reunite the child with the child's parent or guardian after the child has been placed in foster care; or
- (3) if the child has been placed in foster care and cannot return to the child's parent or guardian, to develop and implement an alternative permanent plan for the child.

MD Code, Family Law, § 5-525

§ 5-525. Creation of foster care program

Effective: October 1, 2013

Disability defined

(a)(1) In this section, "disability" means:

- (i) a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;
- (ii) a mental impairment or deficiency;
- (iii) a record of having a physical or mental impairment as defined under this subsection; or
- (iv) being regarded as having a physical or mental impairment as defined under this subsection.

(2) "Disability" includes:

- (i) any degree of paralysis or amputation;
- (ii) blindness or visual impairment;
- (iii) deafness or hearing impairment;

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(iv) muteness or speech impediment;

(v) physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

(vi) intellectual disability, as defined in § 7-101 of the Health--General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

Duties of Administration

(b)(1) The Administration shall establish a program of out-of-home placement for minor children:

(i) who are placed in the custody of a local department, for a period of not more than 180 days, by a parent or legal guardian under a voluntary placement agreement;

(ii) who are abused, abandoned, neglected, or dependent, if a juvenile court:

1. has determined that continued residence in the child's home is contrary to the child's welfare; and

2. has committed the child to the custody or guardianship of a local department; or

(iii) who, with the approval of the Administration, are placed in an out-of-home placement by a local department under a voluntary placement agreement subject to paragraph (2) of this subsection.

(2)(i) A local department may not seek legal custody of a child under a voluntary placement agreement if the child has a developmental disability or a mental illness and the purpose of the voluntary placement agreement is to obtain treatment or care related to the child's disability that the parent is unable to provide.

(ii) A child described in subparagraph (i) of this paragraph may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the child's disability necessitates care or treatment in the out-of-home placement and a juvenile court makes a finding that continuation of the placement is in the best interests of the child.

(iii) Each local department shall designate, from existing staff, a staff person to administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses.

(iv) Each local department shall report annually to the Administration on the number of requests for voluntary placement agreements for children with developmental disabilities or mental illnesses that have been received, the outcome of each request, and the reason for each denial.

(v) On receipt of a request for a voluntary placement agreement for a child with a developmental disability or a mental illness, a local department shall discuss the child's case at the next meeting of the local care team for the purpose of determining whether any alternative or interim services for the child and family may be provided by

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any agency.

(3)(i) The Administration shall establish a program of out-of-home placement for former CINAs:

1. whose commitment to a local department was rescinded after the individuals reached the age of 18 years but before the individuals reached the age of 20 years and 6 months; and

2. who did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty.

(ii) The Administration shall adopt regulations that include eligibility requirements in accordance with federal law and regulations for providing assistance to individuals at least 18 years old.

(iii) A local department may not seek legal custody of a former CINA under a voluntary placement agreement.

(iv) A former CINA described in subparagraph (i) of this paragraph may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the best interests of the former CINA.

Establishment of program

(c) In establishing the out-of-home placement program the Administration shall:

(1) provide time-limited family reunification services to a child placed in an out-of-home placement and to the parents or guardian of the child, in order to facilitate the child's safe and appropriate reunification within a timely manner;

(2) concurrently develop and implement a permanency plan that is in the best interests of the child; and

(3) provide training on an annual basis for the staff at each local department who administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses under subsection (b) of this section.

Short term care; custody not a condition of parents financial abilities

(d)(1) The local department shall provide 24-hour a day care and supportive services for a child who is committed to its custody or guardianship in an out-of-home placement on a short-term basis or placed in accordance with a voluntary placement agreement.

(2)(i) A child may not be committed to the custody or guardianship of a local department and placed in an out-of-home placement solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness.

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(ii) The local department shall make appropriate referrals to emergency shelter services and other services for the homeless family with a child which lacks shelter.

Reasonable efforts to keep families together

(e)(1) Unless a court orders that reasonable efforts are not required under § 3-812 of the Courts Article or § 5-323 of this title, reasonable efforts shall be made to preserve and reunify families:

(i) prior to the placement of a child in an out-of-home placement, to prevent or eliminate the need for removing the child from the child's home; and

(ii) to make it possible for a child to safely return to the child's home.

(2) In determining the reasonable efforts to be made and in making the reasonable efforts described under paragraph (1) of this subsection, the child's safety and health shall be the primary concern.

(3) Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with the reasonable efforts described under paragraph (1) of this subsection.

(4) If continuation of reasonable efforts to reunify the child with the child's parents or guardian is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, including consideration of both in-State and out-of-state placements, and to complete the steps to finalize the permanent placement of the child.

Permanency plan; best interests of the child

(f)(1) In developing a permanency plan for a child in an out-of-home placement, the local department shall give primary consideration to the best interests of the child, including consideration of both in-State and out-of-state placements. The local department shall consider the following factors in determining the permanency plan that is in the best interests of the child:

(i) the child's ability to be safe and healthy in the home of the child's parent;

(ii) the child's attachment and emotional ties to the child's natural parents and siblings;

(iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;

(iv) the length of time the child has resided with the current caregiver;

(v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and

(vi) the potential harm to the child by remaining in State custody for an excessive period of time.

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(2) To the extent consistent with the best interests of the child in an out-of-home placement, the local department shall consider the following permanency plans, in descending order of priority:

- (i) returning the child to the child's parent or guardian, unless the local department is the guardian;
- (ii) placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be granted;
- (iii) adoption in the following descending order of priority:
 - 1. by a current foster parent with whom the child has resided continually for at least the 12 months prior to developing the permanency plan or for a sufficient length of time to have established positive relationships and family ties; or
 - 2. by another approved adoptive family; or
- (iv) another planned permanent living arrangement that:
 - 1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and
 - 2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(3) Subject to paragraphs (1) and (2) of this subsection and to the extent consistent with the best interests of a child in an out-of-home placement, in determining a permanency plan, the local department shall consider the following in descending order of priority:

- (i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or
- (ii) if the local department finds, based on a compelling reason, that placement of the child as described in item (i) of this paragraph is not in the best interest of the child, placement of the child in another jurisdiction in the State after considering:
 - 1. the availability of resources to provide necessary services to the child;
 - 2. the accessibility to family treatment, if appropriate; and
 - 3. the effect on the local school system.

Duties of local department

(g)(1) The local department shall:

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(i) prepare the permanency plan in writing within 60 days of the date the child comes into care;

(ii) if the child is under the jurisdiction of the juvenile court, furnish the plan to the child's parents, the child or the child's counsel, and to the juvenile court; and

(iii) maintain the plan in the agency's case record.

(2) The local department shall amend the plan promptly as necessary in light of the child's situation and any court orders which affect the child.

Administrative review

(h) Unless a child has received a review from the local board of review of foster care under § 5-544 of this subtitle, the local department shall perform an administrative review every 6 months to determine the success of the efforts to meet the goals set out in the permanency plan or the agreement with the parents or guardians in voluntary placements.

Hearing for foster parents wishing to adopt

(i)(1) Foster parents who wish to adopt a foster child in their care and who wish to contest the agency's decision to place the child with another adoptive family may, within 30 days from the removal of the child, file with the agency a request for a hearing.

(2) Within 10 days after receipt of a request for a hearing under paragraph (1) of this subsection, the agency shall notify the Office of Administrative Hearings, which shall hold the hearing and issue a decision within 45 days of the receipt of the request.

Regulations

(j) The Administration shall adopt regulations that:

(1) establish goals and specify permanency planning procedures that:

(i) maximize the prospect for reducing length of stay in out-of-home placement in the best interests of children; and

(ii) implement the intent of this section;

(2) prohibit a local department from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness;

(3) specify the compelling reasons for placing a child in a local jurisdiction other than the local jurisdiction where the child's parent or guardian resides, under subsection (f)(3)(ii) of this section;

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(4) require the local department to make appropriate referrals to emergency shelter and other services for families with children who lack shelter;

(5) establish criteria for investigating and approving foster homes, including requirements for window coverings in accordance with § 5-505 of this subtitle; and

(6) for cases in which the permanency plan recommended by the local department or under consideration by the court includes appointment of a guardian and rescission of the local department's custody or guardianship of a child:

(i) establish criteria for investigating and determining the suitability of prospective relative or nonrelative guardians; and

(ii) require the filing of a report with the court as provided in § 3-819.2 of the Courts Article.

MD Code, Family Law, § 5-525.1

§ 5-525.1. Adoption of foster child

In general

(a) If a child placement agency to which a child is committed under § 5-525 of this subtitle determines that adoption of the child is in the best interest of the child, the child placement agency shall refer the case to the agency attorney within 60 days of the determination and the agency attorney shall file a petition for termination of the natural parent's rights with the court within 60 days of receipt of the referral.

Termination of parental rights

(b)(1) Except as provided in paragraph (3) of this subsection, a local department to which a child is committed under § 5-525 of this subtitle shall file a petition for termination of parental rights or join a termination of parental rights action that has been filed if:

(i) the child has been in an out-of-home placement for 15 of the most recent 22 months;

(ii) a court finds that the child is an abandoned infant; or

(iii) a court finds that the parent has been convicted, in any state or any court of the United States, of:

1. a crime of violence against:

A. a minor offspring of the parent;

B. the child; or

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C. another parent of the child; or

2. aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 of this item.

(2) For purposes of this subsection, a child shall be considered to have entered an out-of-home placement 30 days after the child is placed into an out-of-home placement.

(3) A local department is not required to file a petition or join an action if:

(i) the child is being cared for by a relative;

(ii) the local department has documented in the case plan, which shall be available for court review, a compelling reason why termination of parental rights would not be in the child's best interests; or

(iii) the local department has not provided services to the family consistent with the time period in the local department's case plan that the local department considers necessary for the safe return of the child to the child's home.

Permanent placement

(c) If a petition is filed under subsection (b) of this section, the local department shall identify, recruit, process, and seek to approve a qualified family for adoption, guardianship, or other permanent placement.

Scope of section

(d) This section may not be construed to:

(1) prohibit the filing of a petition at an earlier date or under other appropriate circumstances; or

(2) require a local department to file a petition or, except as otherwise provided by law, require expedited termination of parental rights for a child in kinship care.

MD Code, Family Law, § 5-525.2

§ 5-525.2. Siblings; placement; visitation

Department shall place siblings together

(a)(1) A local department shall place together siblings who are in an out-of-home placement under § 5-525 of this subtitle if:

(i) it is in the best interests of the siblings to be placed together; and

(ii) placement of the siblings together does not conflict with a specific health or safety regulation.

(2) If placement of the siblings together conflicts with a specific health or safety regulation, the local department

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may place the siblings together if the local department makes a written finding describing how placement of the siblings together serves the best interests of the siblings.

Visitation rights of siblings who are separated

(b)(1) Any siblings who are separated due to a foster care or adoptive placement may petition a court, including a juvenile court with jurisdiction over one or more of the siblings, for reasonable sibling visitation rights.

(2) If a petitioner under this subsection petitions a court to issue a visitation decree or to amend an order, the court:

(i) may hold a hearing to determine whether visitation is in the best interest of the children;

(ii) shall weigh the relative interests of each child and base its decision on the best interests of the children promoting the greatest welfare and least harm to the children; and

(iii) may issue an appropriate order or decree.

MD Code, Family Law, § 5-526

§ 5-526. Foster care in group homes

In general

(a)(1) The Department shall provide for the care, diagnosis, training, education, and rehabilitation of children by placing them in group homes and institutions that are operated by for-profit or nonprofit charitable corporations.

(2) Any group home utilized under the provisions of this section shall comply with the provisions of §§ 5-507 through 5-509 of this subtitle and § 7-309 of the Education Article.

(3) The department that licenses the group home shall notify any group home utilized under the provisions of this section of the requirements of § 7-309 of the Education Article.

Reimbursement

(b)(1) The Department shall reimburse these corporations for the cost of these services at appropriate monthly rates that the Department determines, as provided in the State budget.

(2) The reimbursement rate may differ between homes and institutions that provide intermediate services, as defined by the Department, and homes and institutions that provide full services.

Group homes and institutions must comply with State licensing laws

(c) The Department, or the Department's designee, may not place a child in a residential group home or other facility that is not operating in compliance with applicable State licensing laws.

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MD Code, Family Law, § 5-527

§ 5-527. Payment for foster care

Department to establish guidelines

(a) The Department shall adopt rules and regulations that establish eligibility guidelines for payment for foster care for 1 or more classes of children, including children who are in need of special care.

Single family home--Regular rate

(b)(1) For a child who does not need special care, the Department shall pay for foster care in a single family home at a monthly rate that is not less than 55% of the monthly rate provided in subsection (c) of this section for a child who requires the most demanding special care in a single family home.

(2) The monthly rate shall include increments based on the age of the child.

Single family home--Rate for most demanding special care

(c) The Department shall pay for foster care for a child who needs the most demanding special care in a single family home at a monthly rate that is not less than the higher of:

(1) the rate that the Department paid in fiscal year 1975; and

(2) the rate that the Department of Juvenile Services pays for the current fiscal year.

MD Code, Family Law, § 5-528

§ 5-528. Foster child's medical expenses; reimbursement

If the costs are not reimbursable under the Maryland Medical Assistance Program, the Department shall reimburse a foster care provider for payment of the following medical costs for a child under foster care:

(1) prescription drugs;

(2) nonprescription drugs that are recommended by a physician;

(3) replacement of eyeglasses; and

(4) any other service that was covered by regulations under the Maryland Medical Assistance Program on December 31, 1975.

MD Code, Family Law, § 5-529

§ 5-529. Foster parents' liability insurance; reimbursement

Current through chapters effective June 1, 2014, of the 2014 Regular Session of the General Assembly.

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“Foster parent” defined

(a) In this section, “foster parent” includes an individual who cares for a minor child on an emergency basis under a shelter care program.

Insurance coverage required

(b)(1) The Administration shall provide liability insurance for foster parents who care for children under foster parent programs.

(2) The liability insurance shall provide coverage for:

(i) bodily injury and property damage that a foster child causes to a person or the property of a person other than a foster parent; and

(ii) actions against a foster parent by a natural parent for any accident to the child.

(3) The Administration may establish a reasonable deductible limit.

Reimbursement

(c)(1) Subject to the provisions of this section, the Secretary of Human Resources shall reimburse a foster parent for costs of bodily injury or property damage that the child causes to the foster parent and that insurance does not cover.

(2) Before reimbursement under this subsection, the Secretary of Human Resources shall be satisfied that the actions of the foster parent did not contribute substantially to the bodily injury or property damage sustained.

(3) Reimbursement under this subsection shall be made for all costs to a maximum amount of \$5,000. However, all payments in excess of \$2,000 require the approval of the Board of Public Works.

MD Code, Family Law, § 5-530

§ 5-530. Support of adopted foster child

In general

(a) The Department may contribute to the support of a child formerly under foster care after the child is adopted.

Nature of support

(b) The support may include payment for:

(1) maintenance costs;

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- (2) medical, dental, and surgical expenses;
- (3) psychiatric and psychological expenses; and
- (4) any other cost necessary for the child's care and well-being.

Amount and duration

(c) The amount and duration of the support may vary according to the needs of the child and the income of the adoptive parents.

MD Code, Family Law, § 5-531

§ 5-531. Funeral costs of foster child

In general

(a) A local department may pay reasonable funeral expenses, not exceeding \$650, for a child who was receiving foster care under this subtitle, if:

- (1) no individual who was legally responsible for the support of the child is able to pay; and
- (2) other resources, including insurance benefits or the child's estate, are insufficient.

Allocation of costs

(b) The cost of funeral expenses shall be charged to State funds.

MD Code, Family Law, § 5-532

§ 5-532. Rules and regulations

In general

(a) The Administration shall adopt rules and regulations to carry out the child welfare services and foster care programs under this subtitle.

Scope of regulations

(b) The regulations shall authorize the Administration to:

- (1) conduct a background check of child support arrearages on an applicant for foster home approval who is also a biological or adoptive parent; and
- (2) consider any child support arrearage in determining whether to approve or disapprove the application.

MD Code, Family Law, § 5-533

Current through chapters effective June 1, 2014, of the 2014 Regular Session of the General Assembly.

§ 5-533. Residential facilities; health care services

“Residential facility for children” defined

(a)(1) In this section, “residential facility for children” means a public or private facility that provides shelter for minors for more than 30 consecutive days in an out-of-home placement.

(2) “Residential facility for children” includes:

- (i) a child care institution or child care home licensed under this title;
- (ii) a group home, runaway home, residential treatment program, or independent living program;
- (iii) a State facility;
- (iv) a certified drug abuse facility; or
- (v) a certified alcohol abuse facility.

(3) “Residential facility for children” does not include:

- (i) a foster care home;
- (ii) a hospital, hospice, or medical care facility; or
- (iii) a regional institute for children and adolescents.

Health care services

(b)(1) A residential facility for children shall maintain contracts or other agreements with appropriate health care providers to provide the following health care services for each child who resides in the facility for more than 30 consecutive days:

- (i) a physical examination and necessary medical treatment; and
- (ii) appropriate mental health services.

(2) Within 30 days after a child is placed in a residential facility for children the residential facility shall ensure that a health care provider:

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- (i) conducts a physical examination of the child; and
- (ii) provides a report on the findings of the examination to the residential facility for children where the child resides.

Penalties

(c)(1) Upon the finding of a court of competent jurisdiction, a residential facility for children that violates this section shall be fined \$25 per day per child for each day that the violation exists.

(2) If a fine is imposed on a residential facility for children, the director or the administrator of the residential facility for children may be liable for payment of the fine.

MD Code, Family Law, § 5-534

§ 5-534. Kinship care program

“Kinship parent” defined

(a) In this section, “kinship parent” means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of the local department and with whom the child may be placed for temporary or long-term care other than adoption.

Establishment of program

(b) The Administration shall establish a kinship care program.

Placement with kinship parent first priority

(c)(1) In selecting a placement that is in the best interests of a child in need of out-of-home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

(2) The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.

(3) If no kinship parent is located at the time of the initial placement, the child shall be placed in a foster care setting.

(4) If a kinship parent is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent.

Age requirement for kinship parent

(d)(1) A kinship parent may not be less than 21 years of age.

(2) The local department may waive the age requirement of paragraph (1) of this subsection if a potential kinship

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parent:

(i) is at least 18 years of age; and

(ii) lives with a spouse who is at least 21 years of age.

Regulations

(e) The Administration shall adopt regulations to implement this section that are consistent with the provisions of this section.